



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

**WASHINGTON STATE BOARD OF PHARMACY
MEETING MINUTES**

March 12, 2009

Department of Health Kent Offices
Marketing Center Creekside Three
at CenterPoint

20435 72nd Ave S, Suite 200 Conference Room 1
Kent, Washington 98032

CONVENE

Chair Gary Harris called the meeting to order at 9:04 a.m., March 12, 2009.

Board Members present:

Gary Harris, RPh, Chair

Albert Linggi, RPh

Dan Connolly, RPh

Rosemarie Duffy, RN, MA, MSN, Public Member, Vice-Chair

Christopher Barry, RPh

Vandana Slatter, PharmD

Absent Member:

Rebecca Hille, BA-Public Member

Staff Member present:

Joyce Roper, AAG

Steven Saxe, RPh, Executive Director (Acting)

Lisa Hodgson, Executive Manager

Grant Chester, Chief Investigator

Stan Jeppesen, Investigator

Cathy Williams, Pharmacist Consultant

Tim Fuller, Pharmacist Consultant

Doreen Beebe, Program Manager

Leann George, Program Support

Guest / Presenters:

Dr. Hatam Shafeean

K. Douglas Crafton, RPh

Mehdi Merred, Administrator for

Quincy Valley Medical Center

Brenda Kenter, RN

William Fasset, WSU Professor

Shirley Reitz, PharmD

New Member Introduction:

Christopher Barry is a resident of Cheney, Washington. He was appointed to the Board of Pharmacy on February 10, 2009. Mr. Barry completed his pharmacy degree at the University of Washington in 1969.

Christopher began his career as an intern for two years at Good Samaritan Hospital in Puyallup, Washington. He then spent 30 years as their Director of Pharmacy. Christopher spent four years as a Pharmacy Manager at an 80 bed hospital and two retail pharmacies.

After a year of traveling around the United States with his wife and son Mr. Barry has settled in Cheney, Washington where he practices as a part time pharmacist at Sacred Heart Medical Center.

Mr. Gary Harris has been reappointed by Governor Gregoire to the board for a second term that will run until January 19, 2013

CONSENT AGENDA

- 1.2** Pharmacy & Other Firm Application Approval.
 - New and Pharmaceutical Firms 1/7/2009 – 2/23/2009
- 1.4** Pharmacy Tech Training Program Approval.
 - Pima Medical Institute in Las Vegas, NV – Meredith D. Apolong
- 1.5** Automated Drug Dispensing Device Acceptance.
 - St. Anthony Hospital – St. Anthony Hospital

Items listed under the consent agenda are considered to be routine agency matters and will be approved by a single motion of the board without separate discussion. If separate discussion is desired, that item will be removed from the consent agenda and placed on the regular business agenda. **Items 1.1, 1.3, 1.6 and 1.7** have been **deleted** from the agenda.

MOTION: Rosemarie Duffy moved that the board approve items 1.2, 1.4, 1.5. Vandana Slatter second. **MOTION CARRIED:** 5-0.

MOTION: Dan Connolly moved that the board approve 1.7 with corrections. Al Linggi second. **MOTION CARRIED:** 5-0.

REPORT

Board Member

Rosemarie Duffy reported:

- She has been participating in the Department of Health (DOH) weekly legislative update calls this legislative session. These conference calls share information on bills crossing many professions. There are a couple things that may affect the board.
 - Requirement to use Tamper proof prescription pads.

- The Pharmaceutical Take Back Program may require rule development.

Al Linggi reported:

- He has also been involved in the weekly DOH Legislative update calls and finds them informative.
- February 16, 09 Mr. Linggi and Rebecca Hille were confirmed at the Senate Hearing in Olympia.
- Al contributed to a newsletter article along with Grant Chester, Chief Investigator and Jeff Rochon, Washington State Pharmacy Association (WSPA) on protecting sensitive patient information.
- March 2-5, 2009 he attended the National Home Infusion Association Annual Meeting in Baltimore, Maryland.
 - Specifically on U.S. Pharmacopeia Sterile Compounding Guidelines (USP 797) impact on home infusion pharmacies and hospital pharmacies.
 - Al has two contacts one from Ohio State and one from University of Alabama schools of pharmacy. Both have worked on USP 797 for some time and agreed to assist in writing and reviewing any regulations that we may choose for hospital pharmacies with regard to USP 797 and prescription sterile compounding.
 - There was a report only 15 states review for USP 797 and hospital and home infusion. Not one of the states boards of pharmacy require certification or competency levels in compounding sterile products in IV rooms which the NABP is considering.

Gary Harris reported:

- Gary was on a committee with Group Health to work on wording for the I-1000 (Death with Dignity Initiative).
- A panel that included Gary Harris, Rosemarie Duffy, Steven Saxe, Lisa Hodgson and Byron Plant interviewed candidates for the Executive Director position.

Vandana Slatter reported:

- She reported that her Senate confirmation was cancelled by the Senate committee.

Executive Director/Executive Manager

Steven Saxe reported:

- He welcomed new board member Christopher Barry and shared that he worked with Christopher Barry at Good Samaritan Hospital.
- It has been a busy Legislative session everyone is trying to get their policy bills done so that they can focus on budget.
- Steve has been attending some hearings related to bills for Tamper Resistance Prescription Pads and Pharmaceutical Take Back Program. The Department of Health supports the concept on those bills.
- Last year **House Bill 1103** put into law the requirements to do background checks. January 1, 2009 the Department of Health began a pilot program that requires fingerprints checks through the F.B.I. system. In the past we have only been able to run fingerprints through the Washington State Patrol. This pilot focuses on out of state licensees or those with a criminal

background. Please keep this in mind. This process will add significant time to the credentialing process.

- He has been involved in implementation of I-1000 Death with Dignity Act. The department is developing rules. These are out now and can be accessed online www.doh.wa.gov/dwda. Participation by facilities, pharmacies, pharmacists, physicians and others is optional.
- The Office of Financial Management (OFM) has been trying to develop a strategic health planning group. Steve is participating as a representative for Department of Health to provide them with information so that they can map out where various facilities and providers are so they can do planning where shortages might be. There is a bill in place to allow us to share additional information on all the facilities and professionals and where they are located so they can map this out.
- We are being asked to further reduce the 02G account (Health professions account) by the end of this biennium. A lot of time and energy has been spent looking at the budget and ways to cut spending. We will want to have some further discussion with the board on ways to meet this target.
- The Department of Health (DOH) is continuing work from the Boards and Commissions Meeting on developing an operating agreement and performance measures. DOH is hoping to have some performance measures to be able to share with the board as a starting point. This would give the board a chance to give some input on other areas DOH would want to monitor.
- While working on budget planning Steve has been working with Grant Chester and Lisa Hodgson on how to provide education support while keeping our expenses down. There is a list of requests being compiled to share with the board for feedback to prioritize education support.
- They will be looking at the contract with the impaired practitioner program this will include Washington Recovery Assistance Program for Pharmacy and Washington Physician Health Plan.
- With concerns from this board and other boards there is work being done within the agency to find ways to streamline the rulemaking process.
- There has been a lot of time spent on recruitment for an Executive Director for the Board of Pharmacy. Time has been set aside during this meeting to have further discussion on this topic.
- Steve congratulated Rebecca Hille and AL Linggi on their confirmation.

Assistant Attorney General

Joyce Roper reported:

- The judge in the Storman case issued an order on staying the trial date pending the Ninth Circuit decision. He agreed it would be helpful to have the decision. When the decision comes out a date will be set five to six months out. This order was issued with a couple of conditions.
 - The state was asked not to take enforcement action until after the results of the trial with respect to the three named plaintiffs; however, the board can interview the complainant and the pharmacist and other fact witnesses.
 - For all other licensees, if there are complaints filed he will conduct a telephone conference hearing to decide what can be done with respect to those complaints.
- October 18, 2008 President Bush signed a law that dealt with internet pharmacies. It requires at least one in-person patient-physician contact in order for a pharmacy to fill a prescription for a controlled substance. This authorizes the US Attorney to take enforcement action against an internet pharmacy that is filling controlled substances without an in-person contact before a prescription is issued. This law also gives States Attorneys General enforcement authority. The

State Attorney General first must find out if the US Attorney General will be taking action. If not, the State Attorney General can take civil enforcement action against the internet pharmacy. They can pursue an injunction or seek an order requiring them to comply with the federal law and they could seek civil penalties. There have been letters from the members of the public complaining about internet pharmacies. This new law allows first the federal government, then the state Attorneys General to take enforcement action. The Washington Attorney General's Office will be deciding which division will be responsible for taking such action.

Consultant Pharmacists

Tim Fuller reported:

- Methadone Emergency response group had a follow up meeting after an earthquake table top exercise. The group went to Seattle to the Emergency Operations Center (EOC) Command center.

Chief Investigator

Grant Chester reported:

- There are currently 2,000 firm licensees
- 1,400 are pharmacies in Washington.
 - 20,000 licensed persons living in Washington State, some have more than one license.
- 6,098 pharmacists
 - 882 interns
 - 8,172 technicians
 - 5,868 assistants
- Investigations and Inspections Office is working hard to reduce expenditures.
 - No certified mail. They use declarations of mailing instead.
 - Energy and resources will be used on the most serious cases.
 - Less serious cases will be done using mail and phone contacts.
 - Motor pool vehicles will be made available at more locations for investigator use.
 - Travel for other than investigation and inspection events must be approved by an Office Director and be at no cost to the agency.
- Grant shared a comparison of how the investigators allocated their time in calendar year 2008 versus the time estimated in their Job Analysis Record versus the first two months of calendar year 2009.
- Stan Jeppesen received a letter of appreciation from Swedish Hospital for going the extra mile in helping them improve health outcome for the people they serve.

Program Manager

Doreen Beebe reported:

- She has been busy with bill analysis and substitute bills.
- Doreen also provided the board with a real brief update on the rules workload.
 - **SOMA:** On the agenda Tim will be presenting the documents discussing SOMA rule changes.
 - **Correctional Facilities:** There were some additional comments that required some additional changes to the language. For this rule to move forward the board must

approve the changes made to the language or further amend it. This would have been on the agenda today but it was important to give the stake holders enough time to review the changes that were made. This will be brought to the board at the next board meeting.

- ***Update Animal Control Agency and Humane Society Rule:*** Rosemarie Duffy and Doreen have worked on a cover memo for the Animal Control and Humane Society Rule. This is now in the Department Of Health rules system and schedule for a rule review meeting on March 23, 2009 and if it goes well it should be filed with Code Reviser on time. They will be able to start stake holder meetings. Doreen would like to be notified if there are any interested parties.
- ***Extend expiration of non –controlled substance prescription to 2-years:*** Cathy hopes to file the CR101 into the system next week.
- Because the budget report in the board book was printed prior to the closing of February the information is not accurate. She will provide the board with an updated version of the budget for discussion.
- Dan Connolly pointed out that there were some discrepancies on the report for new pharmaceutical firms report. This report was pulled from ILRS. She did advise them that the information in ILRS is incomplete and hopes to have a corrected report soon.
- Doreen congratulated Gary Harris for his re appointment.

PRESENTATIONS

Request for Telepharmacy

The board heard a proposal from Dr. Hatam Shafeean to use telepharmacy services to improve patients' medication compliance for Sunrise Services Mental Health Facility. There are no guarantees the patient will get a prescription filled. Some of these patients can be harmful to themselves or others if they don't take their medications.

Procedure:

- ✓ Patient walks down hallway to pharmacy technician.
- ✓ Patient fills out a data form.
- ✓ Pharmacy technician will transmit data and prescription to the pharmacy.
- ✓ The patient and pharmacist will be connected for a consultation via satellite.
- ✓ A courier will deliver a prescription to facility this may take 30-45 minutes after the patient sees the prescriber.

Highlights:

- ✓ There will be follow-up on refills. If prescription is not picked up the prescriber will be notified.
- ✓ No stock bottles at pharmacy.
- ✓ Provides easy access to mental health patients.
- ✓ Medication will be at facility if a patient has appointment.
- ✓ If a patients prescription changes a new prescription will be delivered and the old one will be returned to pharmacy.
- ✓ Prescription can be delivered at the residence of a patient if they are unable to wait at the facility.

Concerns:

- ✓ Access doesn't seem to be an issue here.
- ✓ Delivering and storing controlled substances in an uncontrolled environment.
- ✓ Waiting for a prescription may cause a compliance issue with the patient.
- ✓ What happens to the prescription if the patient does not pick it up?
- ✓ What type of hardware will be used?
- ✓ Will medication be scanned at the pick up point?
- ✓ How will hardcopies get back to the pharmacy?
- ✓ This doesn't seem to be a telepharmacy request.

MOTION: Al Linggi moved to deny the request for the use of telepharmacy services to Sunrise Services Mental Health Facility. Dan Connolly second. Vandana Slatter added a friendly amendment that there is further clarification regarding licensing of remote sites and perhaps a different approach to this and similar request be examined. Al Linggi accepts amendment.

MOTION CARRIED: 5-0.

Telepharmacy Services to Rural Critical Access Hospitals

Medication Review, Inc. presented their request to utilize telepharmacy services and ancillary pharmacy personnel to provide medications to patients in three rural Critical Access Hospitals.

Douglas Crafton, RPh introduced Mehdi Merred, Administrator of Quincy Valley Medical Center and Brenda Kenter, RN Assistant Director of Nursing Pharmacy Technician for Coulee Community. Mr. Crafton provided the board with a brief background on Critical Access Hospitals.

Reasons for a pharmacy technician utilization plan proposal:

- ✓ They are looking for cost effective patient access to pharmacy services.
- ✓ Due to the variable census they don't believe they need a full time pharmacist.
- ✓ There is a shortage of pharmacist.
- ✓ Pharmacy technician is a less expensive alternative for daily operational needs.

Highlights:

- ✓ Sacred Heart Medical Center (SHMC) is **currently** providing telepharmacy services.
- ✓ They have a contract for remote order entry/verification.
- ✓ Use Automated Dispensing Machine (Pyxis).
- ✓ Use high resolution secure web video cameras.
- ✓ Contract covers Pharmacist Verification or Tech-Check-Tech.
- ✓ SHMC cross trained nurses to become pharmacy technicians.
- ✓ There is no documentation for Ancillary Utilization by SHMC or Board of Pharmacy.

Request:

- ✓ Specific authorization to provide pharmacy technicians access to the pharmacy without "immediate supervision"
- ✓ Request "Pharmacy Technician Specialized Function" for roles reserved specifically to a pharmacist – with conditions for patient safety.
- ✓ Use of pharmacy technicians – Not a cross trained nurse.
- ✓ Clear understanding of the limitations for pharmacy technicians in these hospitals.

Concerns:

- ✓ This protocol is not specific enough.
- ✓ There is no clarity and not enough information on the procedures.
- ✓ There is no clarification that you will continue to use Sacred Medical Heart Center.
- ✓ What criteria would you use to choose a competent technician?
- ✓ How often are the pharmacies inspected?
- ✓ Is there a Quality Assurance Program?
- ✓ The board does not have the authority to delegate full responsibility to pharmacy technician without supervision.
- ✓ Need more assurance and clarity on exactly what the process is.

Christopher Barry recused himself from this discussion and motion. **MOTION:** Vandana Slatter moved that the board reject the request as is and that the board ask for clarification. Rosemarie second. Vandana Slatter moved to withdraw this motion and table this until further clarification. Rosemarie second. **MOTION CARRIED:** 4-0.

Petition for Rule Making

William Fasset is presenting a proposal from the Washington State University, College of Pharmacy to amend rules regarding pharmacy internship requirement and pharmacy preceptor certification, chapter 246-858 WAC.

This information was presented to the board as information only by Professor William Fasset on April 17, 2008. The Accreditation Commission for Pharmacy Education (ACPE) accreditation standard changed, effective July 1, 2007. These changes make it worth examining what our state is doing with our internship rules.

When it was initially decided that a pharmacist should become a preceptor to provide experiential training, it was not routine for colleges to provide this type of training. Washington was a leader in making sure the internship was a work and a learning experience. The burden of this experiential training has now been put on the colleges by ACPE. University of Washington and Washington State University have plenty of staff and faculty involved in monitoring this program. Considerably more resources than the Board of Pharmacy would have to apply to this program. Washington Universities are picking up that burden because of accreditation standards. This is an opportunity for the board to look into whether or not it needs to continue to maintain this program.

Mr. Fasset suggested the board not certify preceptors, if a pharmacy wants to have interns he suggested requiring them to have an Intern Utilization Plan instead. There is an opportunity to hear better ideas through the stake holder process.

MOTION: Rosemarie Duffy moved that the board initiate rulemaking following ACPE guidelines for updating our pharmacy internship requirements and pharmacy preceptor certification. Christopher Barry second. **MOTION CARRIED:** 5-0.

DISCUSSION

Continuing Education (CE) Requirements for New Graduates

Doreen Beebe lead a discussion with the board regarding the adoption of Procedure # 38 to waive CE requirements for the first license renewal cycle for new graduates licensed by examination.

She shared some background of how this rule came to the attention of Department of Health. In the past it was a practice for health professions to waive the CE requirements for the first renewal on new graduates only. When the new licensing system was implemented we were informed that this wasn't happening we were then advised it could not be done. This was misinformation it was just a matter of how the information was put into the system.

Joyce Roper provided some comments regarding this procedure. This is a policy that is not entirely consistent to your rule. This has been going on for a long time. She warned that there is a slight risk of someone challenging this policy.

MOTION: Rosemarie Duffy moved that the board approve Procedure #38. Vandana Slatter second.
MOTION CARRIED: 5-0.

EXECUTIVE SESSION

The board adjourned for Executive Session at 12:08 p.m. to discuss personnel issues and/or pending litigation.

The board reconvened from Executive Session at 1:05 p.m.

DISCUSSION cont'd

Review Draft CR102 Pre-proposal Rulemaking Documents

Gary Harris briefed the board members on the work he and Tim Fuller have done to move forward on the SOMA rule. They have had three conferences since January 22, 2009. The first meeting was updating their reference lists. Tim updated Gary on the process he has gone through with the economist. There has been discussion on obtaining information from other states that have scheduled SOMA in years past. There is a proposed hearing date June 18, 2009.

Tim Fuller provided the board draft documents supporting the rule amendment to schedule carisprodol as a controlled substance.

MOTION: Dan Connolly moved that Gary Harris continue to represent the board in the SOMA Rules process. Vandana Slatter second. **MOTION CARRIED:** 5-0.

Review of Board Procedure #30 for Canadian Pharmacy School Graduates after January 1994

Lisa Hodgson briefed the board on procedure #30 that allows Canadian Graduates of Canadian Council for Accreditation of Pharmacy Programs (CCAPP) to sit for the National Pharmacists Licensure Examination without obtaining a certificate from the Foreign Pharmacist Graduate Examination Committee.

MOTION: Dan Connolly moved that the board accept our current Procedure #30. Christopher Barry second. **MOTION CARRIED:** 5-0.

Accreditation of Schools/Colleges of Pharmacy

The board discussed the American Council on Pharmaceutical Education (ACPE) Accredited Professional Programs of Colleges and Schools of Pharmacy as the official list of approved pharmacy programs.

MOTION: Christopher Barry moved that the board adopt ACPE Accredited Professional Programs of Colleges and Schools of Pharmacy. Vandana Slatter second. **MOTION CARRIED:** 5-0.

Pharmaceutical Take-Back Programs/Rules and Legislation

Shirley Reitz, PharmD gave the board a review of the Pharmaceutical Take-Back Programs.

Group Health

- ✓ Municipal Solid Waste Destruction Spokane, Washington.
- ✓ Ongoing collection works.
- ✓ There is much higher volume of material than anticipated.
- ✓ About a factor of 10 times more than estimated based on British Columbian's Program.

Bartells

- ✓ Hazardous Waste Destruction Aragonite, Utah.
- ✓ Secure containers work.
- ✓ Security tracking works. No lost or diverted materials.
- ✓ Costs are significant either for post screening or pre screening.

Boarding Homes

- ✓ Consumers do not recognize controlled substances or other types of waste for separate disposal.
- ✓ Even professionals have been challenged to identify controlled substances at times.
- ✓ A combined single system is needed to simplify screening.

On going operations

Group Health - Converting to an independent program.

- ✓ Program is funded by Group Health through 2009.
- ✓ Drafting Protocol for independent program.
- ✓ Added positions.

Bartells - Converting to an independent program.

- ✓ Has drafted independent protocol for board consideration.
- ✓ Will continue the collection program thru at least 2009.
- ✓ Will fund the disposal themselves at least thru 2009.

The board received a summary of state proposed legislation related to pharmaceutical take-back programs from Stan Jeppesen.

Proposed Federal Legislation

- Safe Drug Disposal Act **HR1191**
 - ✓ Representative Inslee has purposed this bill as an effort to allow the DEA to have authority to enable states to formulate their own programs for take back of medications.
 - ✓ Representative Inslee requests the Board of Pharmacy to endorse this legislation.

Proposed State Legislation

- **HB1165 / SB5279** – Mandates a “product stewardship” statewide collection program financed by the pharmaceutical industry.
 - ✓ Has been rewritten with the Board of Pharmacy as the lead agency.
 - ✓ Incorporates requirements for the board licensing and inspections.
 - ✓ Addressing public safety, security and accountability issues.
 - ✓ Provides ability for consumers to transfer this material to a collection program and the program to dispose of it.
 - ✓ Sets an implementation date of January 2012.
 - ✓ Programs to submit plans to the board by January 2011.
 - ✓ Costs covered by the Pharmaceutical Industries (“producers”).
 - ✓ Exempts compounded drug by a pharmacist, and retailers who put store brand label on medications.
 - ✓ **HB1165** is awaiting a floor vote by March 12, 2009 to determine if it moves forward.

MOTION: Dan Connolly moved that the board accept a letter prepared by Steve Saxe to show the boards support to Representative Inslee and for **HB1165 / SB5279**. Vandana Slatter second. **MOTION CARRIED:** 5-0.

The board discussed the request for comments regarding notice of proposed rulemaking filed by the federal Drug Enforcement Administration on *disposal of Controlled Substances by Person not registered with the DEA*.

MOTION: Vandana Slatter moved that the board allow staff to respond to the DEA request using a letter provided with the revisions to question one seventeen as discussed. Dan Connolly second. **MOTION CARRIED:** 5-0.

Delegation of Authority

The board is being asked to delegate the following:

- Signature Authority for Subpoenas
- Authorization to Rule on Ex Parte Motion for Summary Suspension (RCW 18.130.370)

MOTION: Rosemarie Duffy moved that the board accept the delegation of Signature Authority for Subpoenas to the Chief Pharmacy Investigator or Executive Director. Dan Connolly second.

MOTION CARRIED: 5-0.

MOTION: Dan Connolly moved that the board approve Authorization to Rule on Ex Parte Motion for Summary Suspension to a health law judge. Vandana Slatter second. **MOTION CARRIED:** 5-0.

Board of Pharmacy – Executive Director (ED)

Steven Saxe gave an update on the Board of Pharmacy Executive Director recruitment. After the re organization at the Department of Health (DOH) we were able to put together a job description and responsibilities for the position along with a salary adjustment. The Department of Health then did a national search and ended up with five candidates. After reviewing applications, an interview panel was put together Gary Harris, Rosemarie Duffy, Lisa Hodgson, Bryon Plan and Steve Saxe.

The Department of Health has made an offer to Susan Boyer, MS, RPh, and FASHP. Susan Boyer has accepted our offer subject to confirmation from the board. She served eight years on the Board of Pharmacy, received her pharmacy degree at University of Washington and a Masters Degree at Ohio State University. She has worked for Multi Care as Director of Pharmacy, Good Samaritan as Director of Pharmacy and most recently was Vice President of Pharmacy along with other support services for Good Samaritan.

MOTION: Rosemarie Duffy moved the board confirm Susan Boyer as Executive Director for the Board of Pharmacy. Vandana Slatter second. **MOTION CARRIED:** 5-0.

Budget Reductions

Steven Saxe led the discussion on strategies to reduce spending. All boards and commissions were sent a memo regarding the recent economic situation. The memo is asking for boards and commissions to find ways to reduce spending money. We may have to do business different to cut costs. There will be absolutely no out of state travel. Gary Harris has chosen to attend the National Association of Boards of Pharmacy Annual Meeting in May 2009 using his own funds and the NABP grant.

Doreen Beebe shared estimated costs of meetings held in Kent, Tumwater. She compared them to the cost of having a video connection to those in Spokane. Joyce Roper explained why the biggest portion of the pharmacy budget is spent on disciplinary.

Staff Suggestions:

- ✓ Cancel meetings.
- ✓ Consolidate meetings.
- ✓ Less staff at meetings.
- ✓ Stake holder meetings in Tumwater.
- ✓ Connect with Spokane members through video link.
- ✓ Prioritize Investigations.

Board Suggestions:

- ✓ Board pay.
- ✓ Electronic license renewal.
- ✓ Cost recovery for disciplinary hearings.
- ✓ Contemporary Rules and Regulations to prevent disciplinary.

The board agreed to hold the next meeting in Kent and consider connecting with members that reside in Spokane via video connection.

Delegation for Approval of Routine Compliance with Sanction Conditions

At the January 22, 2009 board meeting Karl Hahn, Legal Unit Manager and Kitty Slater, Compliance Enforcement Office gave an overview to the board of the compliance process. The board was asked to consider delegation of routine compliance conditions, aka “delegated task” to department staff. This decision was postponed for this meeting to allow board members time to review staff recommendations.

Karl Hahn and Kitty Slater revisited their request to the board via teleconference. They allowed the board to ask questions. The purpose of this delegation is intended to more efficiently utilize our resources by both the Board of Pharmacy and the Department of Health. The board was given a spreadsheet with recommendations for “delegated tasks” one by one these recommendations were reviewed.

MOTION: Rosemarie Duffy moved that the board accept the recommendations to delegate routine compliance conditions to department staff. Dan Connolly second. **MOTION CARRIED:** 5-0.

2009 Legislative Updates

Steven Saxe updated the status of the 2009 Legislative bills.

HB1165- The bill establishes a product stewardship program to collect and dispose of unwanted residential drugs. This has been amended to go from Department of Ecology to the Board of Pharmacy (BOP) as the lead on this bill. The Department of Health has gone on record in support of the concept. This bill has been sent to Rules Committee which will decide if the bill will be placed on the floor calendar for a second reading.

HB2014- Requiring tamper-resistant prescription pads. The Board of Pharmacy would be required to create a “Seal of Approval” and do the rulemaking. The Department of Health is supporting this rule. This bill passed third reading.

MOTION: Dan Connolly moved the board submit a letter of support for **HB2014** and substitute **SB5826**. Vandana Slater second. **MOTION CARRIED:** 5-0.

HB1271- Regarding preparing and administration of drugs by registered or licensed veterinary personnel. The bill was revised for first substitute.

SB5252- Addressing correctional facility policies regarding medication management. Several of the amendments suggested by the Department of Health were included in the substitute bill. This bill was referred to Human Services. There will be a public hearing in the House Committee on Human Services at 8:00 AM.

MOTION: Rosemarie Duffy moved that staff send a letter to show the board strongly opposes **SB5252**. Christopher Barry second. **MOTION CARRIED:** 5-0.

HB1796- This bill addresses drug-related overdose prevention and treatment. This has been sent to Rules Committee which will decide if the bill will be placed on the floor calendar for a second reading.

SB1493- This prohibits patient target prescription drug marketing by health care providers, facilities, carriers, benefit managers or their business associates. That is an unfair business practice. This bill was pulled.

Correspondence

The board discussed correspondence received.

- NABP State News Roundup – January 2009.

- ISMP – Medication safety Alert January 2009.
- *Improving Prescription Drug Container Labeling in the US* – White Paper Commissioned by the American College of Physicians Foundation.
- NABP e-News – February 4, 2009.
- NABP e-News – February 18, 2009.
- NABP State News Roundup – February 2009.
- Internet Drug Outlet Identification Program Report for Regulators and Related Spreadsheets – February 26, 2009.
- Gov. Gregoire Signs Bills to Reduce State Spending
- Cost Saving Actions – Memo on Board and Commission Meetings

OPEN FORUM

Doug Beeman stated that there are some cities within the state that the fire code requires the Fire Department to have a key to all businesses. If the fire code requires a key does a pharmacy have to give the key to the Fire Department? Mr. Beeman felt that this is a misdirection of authority because the pharmacy law states that only a pharmacist can have the key.

Colin Conway spent time in Washington D.C. on health care reform. He shared his observation that pharmacy services and pharmacists have not been mentioned at this point in some of the plans for a national solution. Mr. Conway encouraged the board to submit comments when some of these things hit paper. While the focus is on coverage he felt the solution is how you deliver services and good care.

Jeff Rochan with the Washington State Pharmacy Association (WSPA) commended the board for talking about the legislative issues and supporting tamper resistant pads, addressing HB1165 and SB5252. Mr. Rochan encouraged the board to voice its concerns about SB5252. Recognizing that the legislative session moves very quickly and he offered that WSPA would be happy to assist the board in keeping up on proposed legislation.

BUSINESS MEETING ADJOURNED

There being no further business, the board adjourned at 5:00 p.m. The Board of Pharmacy will meet again on May 7, 2009 for its regularly scheduled business meeting in Kent, Washington

PRESENTATION OF AGREED ORDERS

CLOSED SESSION

Disciplinary Hearing - CANCELLED

March 13, 2009 9:30 a.m.

Respectfully Submitted by:

Leann George, Program Support

Approved on May 7, 2009

Gary Harris, Chair
Washington State Board of Pharmacy